

Sixth Appellate District

San Jose, California

MONDAY, MAY 19, 2008

H031652 SOLARTE v. WASHINGTON MUTUAL BANK, et al.
By the Court*:

Appellant's petition for rehearing is denied.
Filed: May 19, 2008

*Before Rushing, P.J., Premo, J. and Duffy, J.

H030630 PEOPLE v. URIBE

Appellant has requested that our opinion, Filed April 24, 2008, be certified for publication. Appellant's request for publication is DENIED.

It appears that our opinion meets the standards set forth in California Rules of Court, rule 8.1105(c)(2). Therefore, on our own motion, we are ordering the opinion partially published. The opinion is ordered published in the Official Reports with the exception of the following: Factual Background, Part I (Prosecution Witnesses) and Part II (Defense Witnesses); Procedural Background; Discussion, Part I (Issues on Appeal), and Part II.C.3 (Whether SART video was material (prejudice)). (Duffy, J., Mihara, Acting P.J., McAdams, J.)

H032475 ANNA M. v. SUPERIOR COURT

The petition for a writ of mandate is denied. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 19, 2008

TUESDAY, MAY 20, 2008

H031285 PEOPLE v. WARDELL

The judgment is modified to reduce the restitution fund fine (and its mirroring parole revocation fine) to \$200. As so modified, the judgment is affirmed. (published)

(Mihara, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed May 20, 2008

H031375 PEOPLE v. QUINONES

The appeal is dismissed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: McAdams, J., Duffy, J.)

Filed May 20, 2008

The following cases are submitted this date:

H031853 PEOPLE v. AMERICAN CONTRACTORS INDEMNITY COMPANY

H031871 PEOPLE v. SEGURA

Sixth Appellate District

San Jose, California

Tuesday, May 20, 2008 (continued)

The Court met in its courtroom at 333 West Santa Clara Street, Suite 1060, San Jose, California. Present: Rushing, P.J.; Premo, J.; Elia, J.; and W. Magsaysay, Deputy Clerk.

H030453 PEOPLE v. MAGANA, et al.

Cause called and argued by Matthew Wilson appearing for appellant Richard Magana, by Carlo Andreani appearing for appellant Luis Magana and by David Rose, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H032093 STAR BUILDING SYSTEMS v. G. W. DAVIS, INC.

Cause called and argued by Gary Redenbacher appearing for Appellant and by Thomas Driscoll appearing for Respondent. Cause ordered submitted.

H030876 PEOPLE v. GUERRERO

Cause called and argued by Paul Couenhoven appearing for Appellant and by Karen Bovarnick, Deputy Attorney General, appearing for Respondent. Cause ordered submitted.

H031503 MAMOU v. TRENDWEST RESORTS, INC., et al.

Cause called and argued by Noah Lebowitz appearing for Appellant and by Robert Shwartz appearing for Respondents. Cause ordered submitted.

Court adjourns.

H031006 PEOPLE v. HARRIS

The judgment is affirmed. (not published)
(Premo, J.; We concur: Rushing, P.J., Elia, J.)
Filed May 20, 2008

H032238 In ALEXIS M.; D.F.C.S. v. ALBERT M.

The appeal is dismissed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed May 20, 2008

H032176 In re KIMBERLEE C.; DFCS v. DAISY C.

The appeal is dismissed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed May 20, 2008

H032181 In re ANGEL G.; DSS v. SHACOLA B.

The appeal is dismissed. (not published)
(Rushing, P.J.; We concur: Premo, J., Elia, J.)
Filed May 20, 2008

Sixth Appellate District

San Jose, California

Tuesday, May 20, 2008 (continued)

H032021 PEOPLE v. TAISON

The judgment is modified to reflect that the two-year sentence on count 2 (possession of a firearm by a felon [§ 12021, subd. (a)(1)]) is stayed. As so modified, the judgment is affirmed. The superior court is ordered to send a certified copy of the corrected abstract of judgment to the Department of Corrections. (not published)

(Duffy, J.; We concur: Bamattre-Manoukian, Acting P.J., McAdams, J.)

Filed May 20, 2008

H030529 PEOPLE v. ADAMS, et al.

As to Jesse Adams, execution of sentence on count 3 and count 4 is stayed pending service of sentence on count 1. The trial court is directed to prepare an amended abstract of judgment reflecting these modifications and to forward a copy of the amended abstract to the Department of Corrections and Rehabilitation. As so modified, the judgment is affirmed.

As to Eric Adams, the judgment is reversed. (not published) (Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 20, 2008

WEDNESDAY, MAY 21, 2008

H030940 PEOPLE v. WILSON

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated March 6, 2008, is hereby vacated. The matter will be placed on calendar for oral argument on Thursday, June 19, 2008, at 9:30 a.m.

The cause will be resubmitted upon completion of oral argument.

Dated: May 21, 2008 Mihara, Acting P.J.

H029892 PEOPLE v. SLATER

By the Court*:

Appellant's petition for rehearing is denied.

Filed: May 21, 2008

*Before Mihara, Acting P.J., McAdams, J. and Duffy, J.

H031827 PEOPLE v. THOMAS

The judgment is affirmed. (not published)

(Elia, J.; We concur: Rushing, P.J., Premo, J.)

Filed May 21, 2008

Sixth Appellate District

San Jose, California

Wednesday, May 21, 2008 (continued)

H031729 PEOPLE v. CONNELLY

By the Court:

On the court's own motion, the submission order in the above-entitled matter dated May 6, 2008, is hereby vacated. The court by separate letter issued May 21, 2008, has requested supplemental briefing from the parties. The cause will be resubmitted upon completion of supplemental briefing.

Dated: May 21, 2008 Rushing, P.J.

H032283 PEOPLE v. FLOWERS

The judgment is affirmed. (not published)

(McAdams, J.; We concur: Bamattre-Manoukian, Acting P.J., Duffy, J.)

Filed May 21, 2008

H031729 PEOPLE v. CONNELLY

By the Court:

Upon the court's own motion, the submission order in the above-entitled matter dated March 27, 2008, is hereby vacated. The matter will be placed on calendar for oral argument at a date and time to be advised.

The cause will be resubmitted upon completion of oral argument.

Dated: May 21, 2008 Bamattre-Manoukian, Acting P.J.

THURSDAY, MAY 22, 2008

H030248 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY v. MISSION WEST SHORELINE, LLC

By the Court*:

The petition for rehearing filed by Santa Clara County Transportation authority is denied.

Filed: May 22, 2008

*Before Bamattre-Manoukian, Acting P.J., Mihara, J. and McAdams, J.

The petition for rehearing filed by Mission West Shoreline, LLC, is denied.

Filed: May 22, 2008

*Before Bamattre-Manoukian, Acting P.J., and McAdams, J. (Mihara, J., is of the opinion that the opinion for rehearing should be granted.)

Sixth Appellate District

San Jose, California

Thursday, May 22, 2008 (continued)

H030248 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY v. MISSION WEST SHORELINE, LLC

Filed order modifying majority opinion with no change in the judgment. (not published)

(Bamattre-Manoukian, Acting P.J., and McAdams, J.)

Filed May 22, 2008

H030248 SANTA CLARA VALLEY TRANSPORTATION AUTHORITY v. MISSION WEST SHORELINE, LLC

Filed order modifying concurring and dissenting opinion with no change in the judgment. (not published)

(Mihara, J.)

Filed May 22, 2008

H031754 In re BREDERICK FARR on Habeas Corpus

The superior court's order of June 15, 2007, granting defendant Brederick Farr's petition for writ of habeas corpus is reversed, and the matter is remanded to the superior court with directions to enter a new order denying the petition. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., Duffy, J.)

Filed May 22, 2008

The following case is submitted this date:

H032281 PEOPLE v. MARTINEZ

H031005 PEOPLE v. GRUBER

The judgment is affirmed. (not published)

(Bamattre-Manoukian, Acting P.J.; We concur: Mihara, J., McAdams, J.)

Filed May 22, 2008

FRIDAY, MAY 23, 2008

The following case is submitted this date:

H032748 AARON L. v. SUPERIOR COURT

H032429 IN RE CHANCE A.; DFCS v. JESSE A.

The appeal is dismissed as abandoned. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 23, 2008

Sixth Appellate District

San Jose, California

Friday, May 23, 2008 (continued)

H031129 OCEAN HARBOR HOUSE HOMEOWNERS ASSOCIATION v. CALIFORNIA COASTAL COMMISSION

The judgment is affirmed. The Commission is entitled to its costs on appeal. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 23, 2008

H032397 IN RE MILES D.; DFCS v. ALBERT D.

The appeal is dismissed as abandoned. (not published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 23, 2008

H031237 PEOPLE v. SORIO

The judgment is modified to strike the \$400 restitution fine and matching parole revocation fine in Case No. CC506587 and the \$200 restitution fine and matching parole revocation fine in Case No. CC508203. As modified, the judgment is affirmed. The Clerk of the Superior Court is directed to correct the joint abstract of judgment to show only one restitution fine of \$10,000 and one suspended parole revocation fine of \$10,000. (published)

(Rushing, P.J.; We concur: Premo, J., Elia, J.)

Filed May 23, 2008